

S.R. 9 - By Senator Adams: Memorial resolution for Oscar "Red" Adams.

S.R. 10 - By Senator Adams: Memorial resolution for Patrolman Kobler Coleman Winn, Jr.

S.R. 11 - By Senators Brooks and Jones: Memorial resolution for Cary Davis Owens.

S.R. 12 - By Senator Doggett: Memorial resolution for Dayton "Tad" Moses, Jr.

S.R. 13 - By Senator Doggett: Memorial resolution for Dr. Jesse V. Irons.

S.R. 14 - By Senator Doggett: Memorial resolution for The Honorable Marvin Hall.

S.R. 15 - By Senator Doggett: Memorial resolution for Wallace Turner Barber.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 7 - By Senator Adams: Extending congratulations to Howard Folmar.

ADJOURNMENT

The President announced the purpose of the Joint Session had been concluded and declared the Senate at 11:50 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow in accordance with a motion previously adopted by the Senate.

THIRD DAY (Thursday, January 16, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

A quorum was announced present.

The Reverend Frank Walker, First Southern Presbyterian Church, Austin, Texas, offered the invocation as follows:

Father - a part of Your family is called to work and witness this hour. We thank You for our different gifts. Help us to appreciate our fellows' gifts and to be appreciated, that in using our many gifts Your people will benefit and know joy and

peace.

In this day of disclosure of the low and dirty, reveal to us the high and clean of Your will.

In this day of fear and distrust, kindle in us the flame of Your steadfast faithfulness.

In sum total, remind us to look up - to know our Redeemer lives - that this is Your world, Your nation, Your state, and we, individually, are Your children known by name and loved. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

(Senator Aikin in Chair)

SENATE RESOLUTION 17

Senator Ogg offered the following resolution:

WHEREAS, On this January 19, 1975, we are celebrating the birthday of an illustrious Texan, a man of "promise" who has already attained high office in state government; and

WHEREAS, When the lovely former Diana Poteat Stallings was being courted by this young man with a strong political heritage--a father who had served as governor of the state and a mother who had gained national prominence as Secretary of Health, Education, and Welfare in the cabinet of President Dwight D. Eisenhower--she asked her husband-to-be if he had political aspirations and he made the "promise" that he "wouldn't even run for dogcatcher"; and

WHEREAS, Well, he kept that promise: he didn't run for dogcatcher, but he did run for our state's second highest office, that of lieutenant governor and presiding officer of the senate; and

WHEREAS, Our friend, Bill Hobby, has served as president of the Senate of the State of Texas since 1973, and with his reelection as lieutenant governor on November 5, 1974, he will continue to preside over the upper house of this legislature for another four years; and

WHEREAS, His baptism in politics came when he served under Lieutenant Governor Ben Ramsey as parliamentarian of the senate, and once bitten by the bug he was infected with the disease of public service in political office; and

WHEREAS, A man who is acclaimed in state government for distinguished leadership, he is also outstanding in his profession as one of the nation's leading publishers. His management of the Houston Post, of which he is president, has also received recognition through his election to office in a number of state and national newspaper organizations; and

WHEREAS, In the Democratic Party, his leadership has been notable and in his present office, he has received the confidence of those in government for his forthright stand on important issues of the day: he has been named chairman of the Energy and Natural Resources Committee of the National Conference of Lieutenant Governors and also serves as chairman of the Governor's Energy Advisory Council; and

WHEREAS, A native Houstonian, he is devoted to his city but no more so than to the welfare and progress of the entire state; and

WHEREAS, He is recognized by all who have served with him in the Texas Senate as a fair presiding officer, one whose impartial decisions and affable personality have been conducive to the harmonious and efficient operation of the senate during his tenure; and

WHEREAS, With the regular session of the 64th Legislature less than a week old, it is indeed appropriate that the Texas senators have the privilege of extending greetings to our illustrious presiding officer on the occasion of his 43rd birthday; now, therefore, be it

RESOLVED, That the Senate of the 64th Legislature of the State of Texas congratulate Lieutenant Governor William P. (Bill) Hobby as he celebrates his birthday on this January 19, 1975, a birthday he shares with another illustrious American, that great leader of the South, General Robert E. Lee; and, be it further

RESOLVED, That the members of the senate take this opportunity to commend Lieutenant Governor Hobby for his leadership and the promise that he offers for Texas, both now and on the future political scene, and that best wishes be extended also to his wife, Diana, and the Hobby children, Laura, Paul, Andrew, and Katherine, as they join the members of the Senate in what we hope is a most happy and memorable birthday celebration.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the names of the Senators were added to the resolution as signers thereof.

On motion of Senator Ogg, the resolution was adopted.

(President in Chair)

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S.C.R. 5
S.C.R. 1
S.C.R. 2

COMMITTEE APPOINTED

Pursuant to the provisions of S.C.R. 4, the President announced the appointment of the following to escort The Reverend Bob Harrington to the Joint Session: Senators Kothmann, Lombardino and Hance.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, January 16, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 4, by Kothmann: Inviting the Rev. Bob Harrington, "The Chaplain of Bourbon Street," to address a joint session on January 16, 1975.

Respectfully submitted,
DOROTHY HALLMAN

Chief Clerk, House of Representatives

REPORTS OF STANDING COMMITTEE

Senator Aikin submitted the following reports for the Committee on Finance:

S.B. 36

C.S.S.B. 1 (Read first time)

SENATE BILL 36 ORDERED NOT PRINTED

On motion of Senator Aikin and by unanimous consent **S.B. 36** was ordered not printed.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Adams:

S.B. 38, A bill to be entitled An Act relating to the creation of the East Texas Juvenile Board with jurisdiction in the counties of Jasper, Newton, Sabine, and San Augustine; making other provisions relative to the board and a juvenile probation program; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Doggett:

S.B. 39, A bill to be entitled An Act amending Section 8 of Acts 1949, 51st Legislature, Regular Session, P. 160, Ch. 94, as amended providing for annual registration and license renewal and providing for annual renewal fee therefor, by the Texas State Board of Chiropractic Examiners; and declaring an emergency.

To Committee on State Affairs.

By Senator Doggett:

S.B. 40, A bill to be entitled An Act amending Section 10 of Acts 1949, 51st Legislature, Regular Session, P. 160, Ch. 94, as amended, providing for the qualification for eligibility to take the examination given by the Texas State Board of Chiropractic Examiners; increasing the fees therefor: and amending Section 12 of Acts 1949, 51st Legislature, Regular Session, P. 160, Ch. 94, as amended, providing for the subjects to be included in the examination given by the Texas State Board of Chiropractic Examiners; and declaring an emergency.

To Committee on State Affairs.

By Senator Sherman:

S.B. 41, A bill to be entitled An Act providing standards for state administrative agency practice and procedures; providing for review of state agency proceedings; repealing Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended, (Article 6252-13, Vernon's Texas Civil Statutes), and other laws in conflict; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Moore:

S.B. 42, A bill to be entitled An Act defining Public Utilities and providing for their regulation; providing for the creation of the "Public Utility Commission of Texas" and for the appointment of Commissioners and the fixing of their qualifications

and compensation; prescribing their duties and powers and the manner in which the jurisdiction and power herein conferred shall be exercised; providing for employees and salaries; providing for hearings and appeals, and other procedures for regulation; providing for appeals to the courts and the procedures in the courts; providing for recovery of civil penalties for violation of this Act; preventing the unnecessary duplication of facilities; controlling the extension or addition to the works and systems; providing for the procedures controlling the issuance of securities and the merger of public utilities as well as the sale encumbrance or other disposition of the works or system of a public utility; providing for fees for regulation; providing for fees in supervision of issuance and approval of securities; providing for the environmental jurisdiction of the Public Utility Commission; providing for the authority to promulgate rules and regulations and their publication; providing for criminal penalties for violation of Section 11 of the Act; providing for the repeal of all laws and parts of laws in conflict herewith and declaring an emergency.

To Committee on State Affairs.

By Senator Harrington:

S.J.R. 5, Amending Article VIII, Section 7-a, of the Texas Constitution, to provide that petroleum products manufacturing taxes are not subject to dedication for certain highway purposes and to revise the entire section.

To Committee on Texas Constitution.

By Senator Mengden:

S.J.R. 6, Proposing a constitutional amendment restricting the power of the legislature to increase state taxes in excess of eight percent of the total personal income of the state unless approved by a two-thirds vote of the membership of each house or by referendum.

To Committee on Texas Constitution.

By Senator Mengden:

S.J.R. 7, Proposing an amendment to Article IV of the Texas Constitution, as amended, by adding a Section 27 to limit the existence of certain state agencies.

To Committee on Texas Constitution.

By Senators Schwartz, Longoria and Santiesteban:

S.J.R. 8, Proposing an amendment to Article III, Section 47, of the Texas Constitution, to authorize the establishment of certain bingo games and raffles conducted for the benefit of nonprofit charitable organizations.

To Committee on Texas Constitution.

SENATE BILL 36 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment: (the bill having been submitted by the Governor as an emergency.)

S.B. 36, A bill to be entitled An Act relating to extended benefits under the Texas Unemployment Compensation Act; adding a Subsection (h) to Section 6-A, Texas Unemployment Compensation Act, as amended (Article 5221b-4a, Vernon's Texas Civil Statutes); repealing laws in conflict and preserving rights accrued; providing for severability; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 36 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 36** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

MOTION TO ADJOURN

On motion of Senator Aikin the Senate agreed to stand adjourned at the conclusion of the Joint Session until 10:30 o'clock a.m., Monday, January 20, 1975.

JOINT SESSION

(To Count Votes for Governor and Lieutenant Governor and To Hear Address of the Reverend Bob Harrington.)

The President announced that the hour for the Joint Session of the two Houses to count the votes for Governor and Lieutenant Governor pursuant to the provisions of **S.C.R. 2** and **S.C.R. 4** had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 11:00 o'clock a.m.

The Senators were announced at the Bar of the House and were admitted and escorted to seats already prepared for them along the aisle.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's Rostrum.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Bill Clayton, Speaker of the House, announced the purpose of the Joint Session and announced a quorum of the House present.

Speaker Clayton then requested the tellers appointed pursuant to the provisions of S.C.R. 2 to come forward and receive the returns of votes cast for Governor and Lieutenant Governor at the General Election, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives.

Senators Aikin, Ogg, Traeger, Moore, McKinnon, McKnight and Schwartz on the part of the Senate, and Representatives Head, Reynolds, Grant, Hoestenbach, Florence, B. Clark and Bird on the part of the House, then received the returns and proceeded to count the votes cast for Governor and Lieutenant Governor at the last General Election.

The Reverend Bob Harrington was escorted to the Speaker's Rostrum by Senators Kothmann, Lombardino and Hance on the part of the Senate, and Representatives Wieting, McAlister, Tanner, Rains and Bryant, on the part of the House.

The Speaker presented Senator Glenn H. Kothmann, who introduced Reverend Harrington.

Reverend Harrington then addressed the Joint Session.

AT EASE

The Speaker announced at 11:32 o'clock p.m. the Joint Session would Stand at Ease pending receipt of the report of the Joint Committee of Tellers.

IN LEGISLATIVE SESSION

The Speaker called the Joint Session to order as In Legislative Session at 12:14 o'clock p.m.

The Tellers presented the following report, which was read to the Joint Session:

Austin, Texas
January 16, 1975

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sirs: We, the Joint Committee of Tellers appointed by the presiding officers of the Senate and House of Representatives to canvass the votes cast at the last General Election held in the State of Texas on November 5, 1974, for Governor and Lieutenant Governor of the State of Texas, as shown by returns delivered to us by the Secretary of State, beg leave to report that we have performed that duty and that the result of our canvass is as follows:

There were votes cast for Governor as follows:

Dolph Briscoe, Democratic Party	1,016,334
Jim Granberry, Republican Party	514,725

Ramsey Muniz, Raza Unida Party	93,295
Sherry Smith, Socialist Workers Party	8,171
S. W. (Sam) McDonnell, American Party	22,208
Others	251

There were votes cast for Lieutenant Governor as follows:

William P. Hobby, Democratic Party	1,121,567
Gaylord Marshall, Republican Party	444,870
Dan Fein, Socialist Workers Party	13,554
Others	57

Respectfully submitted,

AIKIN, Chairman
MCKINNON
MCKNIGHT
MOORE
OGG
SCHWARTZ
TRAEGER
For the Senate

HEAD, Chairman
BIRD
CLARK
FLORENCE
GRANT
HOESTENBACH
REYNOLDS
For the House of Representatives

The Speaker of the House then returned the ballots of the General Election to the Secretary of State.

NOTICE OF INTENT

The following Notice of Intent was filed with the Secretary of the Senate:

Monday, January 20, 1975

C.S.S.B. 1 - Senator Doggett

MEMORIAL RESOLUTIONS

S.C.R. 6 - By Senator Adams: Memorial resolution for "Ivory" Joe Hunter.

S.C.R. 7 - By Senators Brooks and Ogg: Memorial resolution for Carl B. Sherman.

S.R. 16 - By Senator Brooks: Memorial resolution for Dr. Clark P. Read.